

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD ARTHUR KIRKHAM,

Plaintiff,

v.

CITY OF BELLINGHAM, et al.,

Defendants.

Case No. C24-1625-DGE-SKV

ORDER DENYING MOTION TO
APPOINT COUNSEL

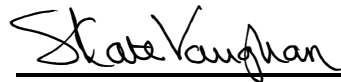
Plaintiff, proceeding pro se in this 42 U.S.C. § 1983 civil rights action relating to his arrest by the Bellingham Police Department, *see* Dkt. 4, filed a Motion for Appointment of Counsel, Dkt. 6. Now, having considered the motion, the Court finds as follows:

(1) In his motion, Plaintiff indicates his inability to afford or find counsel, the complexity of the issues raised in this matter, and difficulties associated with litigating while he is incarcerated and without the assistance of counsel. Dkt. 6. However, there is no right to the appointment of counsel in cases brought under § 1983 or in a general civil case. Also, while the Court may, under 28 U.S.C. § 1915(e)(1), appoint counsel to represent a party proceeding *in forma pauperis* (IFP) upon a showing of exceptional circumstances, Plaintiff is not proceeding IFP in this matter and has not demonstrated exceptional circumstances warranting the

1 appointment of counsel. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986) (a finding
2 of exceptional circumstances requires an evaluation of both the likelihood of success on the
3 merits and the ability of the individual to articulate his claims *pro se* in light of the complexity of
4 the legal issues involved). The Court, in particular, notes that it has issued an Order to Show
5 Cause why this case should not be dismissed pursuant to 28 U.S.C. § 1915A(b)(1) for failure to
6 state a claim upon which relief may be granted. The Court also notes that Plaintiff has not
7 demonstrated an inability to articulate his claims *pro se* in light of the complexity of the legal
8 issues involved. *See* Dkts. 4 & 6. Accordingly, Plaintiff's Motion for Appointment of Counsel,
9 Dkt. 6, is DENIED.

10 (2) The Clerk is directed to send copies of this order to Plaintiff and to the Honorable
11 David G. Estudillo.

12 Dated this 20th day of November, 2024.

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15 S. KATE VAUGHAN
16 United States Magistrate Judge
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